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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,334	03/05/2002	Raoul Girod	111256	9953

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Oliff & Berridge
PO Box 19928
Alexandria, VA 22320

EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,334

Applicant(s)

GIROD, RAOUL

Examiner

Sanh D Phu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The IDS filed 3/05/2002 has been considered and recorded in the file.

Claim Objections

2. Claims 6 and 9 are objected to because of the following informalities: the limitation "either powered and activated" has to be changed as "either powered or activated". Appropriate correction is required.

Specification

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Priority

4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections – 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1–9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chua et al (6,690,956).

Regarding to claim 1, see Fig. 1, 2, Chua et al disclose a hand-free radiotelephone apparatus (110, , 100, 120) enabling hands-free use but preventing hand-held use of a radiotelephone (110) when a vehicle (120) or human-operated equipment is active or in motion, wherein the apparatus provides a link and connection between a mating unit (119) of the hand-free

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radiotelephone (110)(see Fig. 1) and a mating unit (129) of a radiotelephone-base of vehicle located inside the vehicle (120) or human-operated equipment, the filter being activated when the vehicle or human-operated equipment is started (see col. 5, line 66 to col. 7, line 25).

Regarding to claim 3, Chua et al disclose that the apparatus uses a base (129, 120) receiving a support for the radiotelephone (110), the support being a replaceable part of the radiotelephone (see Fig. 1, col. 3, line 28 to col. 4, line 12).

Regarding to claim 5, Chua et al disclose that the apparatus wherein the insertion of the radiotelephone of a driver of the vehicle or human-operated equipment into a base of the apparatus cuts off transmission (step 222) (Fig. 2) from the scrambler filter (see Fig. 2, col. 7, lines 4-8).

Regarding to claim 6, Chua et al disclose that the apparatus includes an electrical link between an electrical contact of the vehicle and the scrambler filter, the scrambler filter being either powered or activated by electrical link (121), or controlled by a voltage at the electrical link (121, ignition system) (see Fig. 1).

Regarding to claim 7, Chua et al disclose that the apparatus further comprises a base receiving a support for the radiotelephone, the support being a replaceable part of the radiotelephone (see Fig. 1, col. 3, line 29 to col. 5, line 65).

Regarding to claim 9, Chua et al disclose that the apparatus includes an electrical link between an electrical contact of the vehicle and the scrambler filter, the scrambler filter being either powered or activated by the electrical link (121), or controlled by a voltage at the electrical link (121, ignition system) (see Fig. 1, col. 3, line 29 to col. 5, line 65).

Claim Rejections – 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chua et al (6,690,956) in view of Takagi (5,749,057).

Regarding to claim 2, Chua et al does not disclose that the apparatus connects an outside antenna to the hands-free radiotelephone and to the scrambler filter simultaneously.

However, Takagi disclose that the apparatus connects an external antenna (205) which is mounted above the trunk of vehicle (see col. 3, lines 8-11).

At the time of the invention was made, it would have been obvious for one skilled in the art to implement Chua et al' antenna, as taught by Takagi in order to be able to mount above the trunk so that the apparatus is able to pick up better signals.

Regarding to claims 4 and 8, Chua et al does not disclose that the apparatus provides the connection to the hands-free radiotelephone for other passengers in the vehicle or human-operated equipment.

However, Takagi disclose that the apparatus provides the connection to the hands-free radiotelephone for other passengers in the vehicle or human-operated equipment (see col. 3, lines 4-7).

At the time of the invention was made, it would have been obvious for one skilled in the art to implement Chua et al' microphone, as taught by Takagi in order to be able to mount anywhere in the vehicle for the user so that the passengers can be able to use the apparatus.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

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Examiner
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